



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

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DA 10-298

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## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON JOINT MICHIGAN CLEC PETITION FOR DECLARATORY RULING AND MOTION FOR TEMPORARY RELIEF

WC Docket No. 10-45

**COMMENTS DUE: March 9, 2010**

**REPLY COMMENTS DUE: March 19, 2010**

On February 12, 2010, ACD Telecom, Inc., DayStarr, LLC, Clear Rate Communications, Inc., TC3 Telecom, Inc., and TelNet Worldwide, Inc. (Joint Michigan CLECs) petitioned the Commission “to preempt Michigan statute 2009 PA 182 (‘Act 182’) [which they argue] . . . prohibits or has the effect of prohibiting the ability of the Petitioners, and other competitive local exchange carriers (‘CLECs’), from providing interstate and intrastate telecommunications service because it establishes a state subsidy for a select group of incumbent local exchange carriers (‘ILECs’), while excluding CLECs from the subsidy, even where CLECs otherwise meet all of the same criteria as the eligible ILECs.”<sup>1</sup> The Joint Michigan CLECs concurrently filed a Motion for Temporary Relief asking the Commission to “immediately prohibit the operation and effect of [Act 182] while the Commission considers” their petition for declaratory ruling.<sup>2</sup>

Interested parties may file comments on the Joint Michigan CLEC Petition for Declaratory Ruling and Motion for Temporary Relief on or before **March 9, 2010** and reply comments on or before **March 19, 2010**. Filings in this proceeding should be captioned “Joint Michigan CLEC Petition for Declaratory Ruling and Motion for Temporary Relief” and filed in WC Docket No. 10-45.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov). One copy must also be sent to Best

<sup>1</sup> Joint Petition for Expedited Declaratory Ruling that the State of Michigan’s Statute 2009 PA 182 is Preempted Under Sections 253 and 254 of the Communications Act, WC Docket No. 10-45, at iv (filed Feb. 12, 2010). The petition was actually filed on February 9, 2010, however, the Commission was closed due to inclement weather until February 12, 2010.

<sup>2</sup> Joint Petition for Expedited Declaratory Ruling that the State of Michigan’s Statute 2009 PA 182 is Preempted Under Sections 253 and 254 of the Communications Act; Motion for Temporary Relief, WC Docket No. 10-45, at iv (filed Feb. 12, 2010).

Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.  
**Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the petition and motion. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>3</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>4</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.<sup>5</sup>

For further information, contact Lynne Hewitt Engledow of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov).

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<sup>3</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>4</sup> See 47 C.F.R. § 1.1206(b).

<sup>5</sup> See *id.*